

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

Crl.Misc.No.57792-M of 2006

Date of Decision:- 09.1.2007

Paramjit Singh

.....Petitioner(s)

through
Mr.J.S.Thind, Advocate.

vs.

State of Punjab & ors.

.....Respondent(s)

through
Mr.B.S.Baath, AAG, Punjab.

CORAM:- HON'BLE MR. JUSTICE SURYA KANT.

SURYA KANT, J. (ORAL)

The petitioner, who is undergoing sentence of 10 years' rigorous imprisonment under the Narcotic Drugs and Psychotropic Substances Act, is aggrieved of the order dated 3.8.2006 (Annexure P-2) passed by the Additional Director General of Police (Jails), Punjab whereby his request for release on four weeks' parole to meet and stay with his family members, has been turned down on the apprehension that he may indulge in the business of poppy straw and may also abscond.

Though there is no reply on record filed on behalf of the respondents, however, it is stated by learned State counsel that reply by way of affidavit of S.K.Kaushal, Chief Welfare Officer, Office of the Director General of Police (Prisons), Punjab has been filed. A photostat copy of the said reply has been handed over by learned counsel for the petitioner and a perusal thereof reveals that in the said reply also the respondents have reiterated that in the event of the petitioner's release on parole, he may

indulge in selling of poppy straw and there is a likelihood of his absconding.

On the other hand, learned counsel for the petitioner has relied upon a Panchayatnama purported to have been passed by the Gram Panchayat of the village in which it is claimed that the Gram Panchayat has no objection if the petitioner is temporarily released on parole and that there will be no danger to law and order situation.

Pursuant to order dated December 12, 2006, Balbir Singh, Superintendent, Central Jail, Jalandhar is present in Court. On a query by the Court, he states that the conduct of the petitioner as an inmate in jail has been satisfactory.

There is no denial to the fact that the petitioner is a married person with minor children; as such his request to seek parole to meet his family members is genuine and bona fide. As far as the apprehensions expressed by the respondents are concerned, in my view, remedial measures to ensure that the petitioner does not indulge in the business of selling poppy straw and/or abscond, can be taken by the authorities. The petitioner can be required not only to furnish personal bonds to the satisfaction of the District Magistrate but also of the Sarpanch and other office bearers of the Gram Panchayat who have come-forward to issue a certificate in his favour. Similarly, some respectables of the village who have immovable properties can also be asked to furnish their personal bonds in support of the good behaviour of the petitioner. The petitioner can also be asked to report everyday to the nearest police station and/or the chowkidar of the village. If despite all these measures it is found that the petitioner does indulge in illegal activities, suffice it to say, he will close

the doors of his future release on parole until he undergoes the entire sentence.

In this view of the matter, I am of the considered opinion that the petitioner's request deserves to be reconsidered objectively.

Consequently, this petition is allowed; the impugned order dated 3.8.2006 is quashed and the Additional Director General of Police (Jails), Punjab, is directed to reconsider the petitioner's case for his temporary release on parole, may be for a short duration, in the light of the observations made herein above. The necessary decision shall be taken within a period of one month from the date of receipt of certified copy of this order.

January 09, 2007
poonam

(SURYA KANT)
JUDGE